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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | | |
|---|------------------------|-----------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/824,335 |
| | Filing Date | April 14, 2004 |
| | First Named Inventor | Osamu Shinkawa |
| | Art Unit | 2853 |
| | Examiner Name | Laura E. Martin |
| Total Number of Pages in This Submission | Attorney Docket Number | 9319A-000762 |

ENCLOSURES (check all that apply)

| | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): acknowledgement postcard. |
| Remarks The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 50-3213. A duplicate copy of this sheet is enclosed. | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|-------------------------------|----------------------------------|--------------------------------------|--------------------|
| Firm or Individual name | Harness, Dickey & Pierce, P.L.C. | Attorney Name G. Gregory Schivley | Reg. No. 27,382 |
| Signature | | | |
| Date | January 17, 2007 | | |

CERTIFICATE OF TRANSMISSION/MAILING

| | | | |
|---|---------------------|---------------------------|-------------------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Typed or printed name | G. Gregory Schivley | Express Mail Label No. | EV 757 778 750 US (1/17/2007) |
| Signature | | Date | January 17, 2007 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EV 757 778 750 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/824,335
Filing Date: April 14, 2004
Applicants: Osamu Shinkawa, et al.
Group Art Unit: 2853
Examiner: Laura E. Martin
Title: DROPLET EJECTION APPARATUS AND METHOD OF
DETECTING AND JUDGING HEAD FAILURE
Attorney Docket: 9319A-000762

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO SPECIES ELECTION REQUIREMENT

Sir:

In response to the Election Requirement mailed December 22, 2006, Applicants provisionally elect Species I and sub-species 2b, with traverse. Applicants believe that Claims 1, 3-49 read on Species I and that Claims 1, 3, 12 read on sub-species 2b.

The Examiner is requested to reconsider the Species Election Requirement because all of the species are drawn to subject matter which are so related to each other that an undue burden would not be placed upon the Examiner by maintaining all

of the species in a single application. (see, e.g., MPEP § 803)

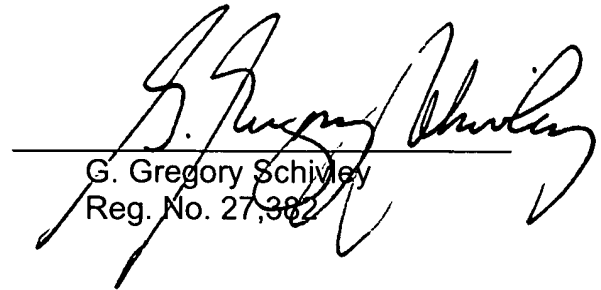
Favorable consideration of this application is respectfully requested.

Respectfully submitted,

Dated: January 17, 2007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

GGs/msm



G. Gregory Schivley
Reg. No. 27,382